THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.18516 OF 2007

DATED: 31-08-2007

Between :

Kodavakallu Srinivasa Rao … Petitioner

And

1. The Joint Collector, Krishna, Chilkalapudi
   Machilipatnam, Krishna District.,
   And 3 others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.18516 OF 2007

ORDER :

The 4th respondent herein was appointed as the dealer of the fair price shop of Lingareddipalem Village, Kodur Mandal, Krishna District vide proceedings of the 2nd respondent dated 19-10-2006. Challenging the said appointment, the petitioner herein preferred an Appeal before the 1st respondent on 23-8-2007contending that the petitioner, being a better candidate ought to have been appointed. Along with the Appeal, he also filed an application seeking stay of the appointment of the 4th respondent. The 1st respondent, having entertained the Appeal, by order dated 23-8-2007 rejected the request of the petitioner for grant of stay.

Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary, illegal and consequently to direct the respondents 1 and 2 to set aside the order passed by the 2nd respondent dated 19-10-2006.

Having heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents, I do not find any justifiable reason to grant the relief as prayed for.

As noticed above, the order dated 19-10-2006 which is challenged in this writ petition is the subject-matter of the Statutory Appeal pending before the 1st respondent. Hence, it is for the 1st respondent to hear both the parties and pass appropriate orders in

accordance with law and it is neither proper nor necessary for this Court to express any opinion on merits. Even the order dated 23-8-2007 passed by the 1st respondent, which is only an interim order pending appeal, warrants no interference since the same does not suffer from any error in exercise of jurisdiction nor in contravention of any statutory provision.

However, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the main Appeal itself following due process of law as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of this order. No costs.

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G. ROHINI, J.

Dt. 31-08-2007

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Note:- CC in 3 days.